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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,168	06/29/2005	Christopher A Brumm	17303-62826	4386
35973	7590	11/30/2007		
BINGHAM MCHALE LLP 2700 MARKET TOWER 10 WEST MARKET STREET INDIANAPOLIS, IN 46204-4900			EXAMINER PRAKASAM, RAMYA G	
			ART UNIT 3651	PAPER NUMBER
			NOTIFICATION DATE 11/30/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/541,168

Applicant(s)

BRUMM, CHRISTOPHER A

Examiner

Ramya G. Prakasam

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 28-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The amendment filed on 9/17/2007 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-17, 20-21, and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodlewsky (U.S. Patent No. 5,330,045).

Hodlewsky discloses an apparatus for conveying a product, comprising:

- ☐ A plurality of roller shafts (see Figure 1);
- ☐ A plurality of driven rollers supported by each roller shaft (48 – See Figures 1 and 3);
- ☐ Each said roller having an outer surface and a plurality of lobes placed circumferentially around the outer surface (See Figures – rounded projections) and a static member having a top surface and a length extending from between a first pair of said rollers of a first said shaft to between a second pair of said rollers of a second said shaft;
- ☐ Wherein said lobes support the product at a first vertical height (See Figures), and the top surface of the static member is adapted and configured to support a portion of the

product between a pair of said rollers at a second vertical height different (between the rollers on the plurality of roller shafts) than the first vertical height.

- Wherein said rollers are slippable rollers slippably driven by the outer diameter of the corresponding said shaft (see Column 6, lines 3-21).
- Wherein the first vertical height is greater than the second vertical height and the difference between the first vertical height and the second vertical height is more than about one half of a millimeter and less than about two millimeters (See Figure 3).
- Wherein the first vertical height is greater than the second vertical height and the difference between the first vertical height and the second vertical height is more than about one half of a millimeter and less than about one and one-half millimeters (See Figure 3).
- Wherein said static member has a width and the width is greater than about one half of a millimeter and less than about two millimeters (See Figure 3).
- Wherein said static member is supported by a plurality of said roller shafts (see Figure 3).
- Wherein said static member includes a plurality of slots, said corresponding shafts supporting said static member at said slots (see Figure 3 – between each roller is a corresponding slot).
- Means for interlocking adjacent driven rollers, such that the lobes of one adjacent roller have a predetermined angular relationship to the lobes of the other adjacent roller (See Figure 3).

- Wherein said interlocking means establishes a single predetermined angular relationship between all the lobes of one adjacent roller to all the lobes of the other adjacent roller (See Figure 3)
- Wherein said first pair of rollers are not interlocked together and the second pair of rollers are not interlocked together (see Figure 3 – groups are interlocked together).

Hodlewsky further discloses an apparatus for conveying a product, comprising:

- A roller shaft having a smooth outer diameter (See Figures 20 – 21);
- A plurality of rollers rotatably supported by said roller shaft (See Figures),
- Each said roller having an outer surface and a plurality of lobes placed circumferentially around the outer surface, each said roller having an inner diameter adapted and configured for being slippably driven by said shaft (See Figures and Column 6, lines 3-21).
- Means for coupling together said plurality of rollers such that said rollers rotate in unison (See Figures 1 and 3).

Hodlewsky also discloses an apparatus for conveying a product comprising:

- A roller shaft having an outer diameter (See Figures 20 and 21);
- A plurality of rollers supported by the outer diameter of said roller shaft (See Figures 20 and 21);
- Each said roller having an outer surface and a plurality of equally-spaced lobes placed circumferentially around the outer surface (See Figures 1 and 3),
- Wherein adjacent said rollers are in fixed relationship to each other such that there is a predetermined angular offset from a lobe of one said roller to a lobe of the adjacent

said roller and the angular offset is more than about 14 degrees and less than about 56 degrees (See Figure 3).

- Wherein the angular offset is more than about 21 degrees and less than about 37 degrees (See Figure 3).
- Wherein the angular offset is more than about 24 degrees and less than about 32 degrees (See Figure 3).
- Wherein at least one side of each roller includes a plurality of equally-spaced interlockable members, and the number of interlockable members is equal to the number of lobes (See Figure 3).
- Wherein said shaft includes at least two adjacent rollers which are in fixed relationship to each other by interlocking of the interlockable members of one of said adjacent roller to the interlockable members of the other said adjacent roller (See Figure 3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodlewsky in view of Meishner (U.S. Patent No. 6,148,991).

Hodlewsky discloses all claimed limitations, except for a conveying apparatus wherein the product is a stack of paper products. Meishner discloses the use of a conveying apparatus

with roller-shaft engagement that conveys stacks of paper products (See Abstract) for the purpose of allowing the rollers to contact the undersides of the lowermost sheets of the stacks such that sheets will not be shifted in transport (See Abstract and Column 2, lines 35-45). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Hodlewsky by conveying stacks of paper products for the purpose allowing the rollers to contact the undersides of the lowermost sheets of the stacks such that sheets will not be shifted in transport.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hodlewsky in view of Clopton (U.S. Patent No. 6,062,378).

Hodlewsky discloses all claimed limitations, except for a spring. Clopton discloses a spring (16 – See Figure 5) for the purpose of creating a force that will push the rollers toward each other (See Column 2, lines 50-54). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Hodlewsky by utilizing a spring for the purpose of creating a force that will push the rollers toward each other.

#### ***Response to Arguments***

6. Applicant's arguments filed on 9/17/2007 have been fully considered but they are not persuasive.

7. With regards to applicant's argument that Hodlewsky does not contain a plurality of lobes placed circumferentially around the outer surface, examiner draws applicant's attention to the Figures, particularly Figure 4. The rounded projections atop the roller constitute a plurality of lobes placed around the outer surface of the rollers. Further, Figure 4 shows that the rollers

contain a smaller hub, and further an outside portion (lobes) on the outside diameter of the rollers. Therefore, this limitation is in fact disclosed.

8. With regards to applicant's argument that Hodlewsky fails to disclose a static member with a top surface adapted and configured to support a portion of the product, and further that Hodlewsky teaches away from a static member as claimed, simply because the link does not get "caught on" the intermediate support does not necessary preclude the intermediate support from being adapted and configured to support a portion of the product. In fact, Column 3, lines 59-68 and Column 4, lines 1-14 provide that the static member provides support the weight of the product, and are adapted to allow rollers to pass through the static member. Therefore, this limitation is disclosed.

9. With regards to applicant's argument that Hodlesky fails to disclose a difference in heights of more than ABOUT a half of a millimeter and less than ABOUT 2 millimeters, the use of about is an approximation, and as shown in the figures, the difference in heights can be seen to be about a half of a millimeter and less than about 2 millimeters. Therefore, this limitation is disclosed.

10. With regards to applicant's argument that Hodlewsky fails to disclose a means for interlocking adjacent driven rollers, the rollers are coupled together by chains 52, therefore there is in fact a means to interlock adjacent rollers such that they rotate in unison (See Column 5, lines 33-47). Simply because rollers do not fit tightly against each other does not mean that there is not interlocking of the adjacent rollers, therefore Hodlewsky does not teach away from this limitation.

11. For the foregoing reasons, the claims stand rejected.



***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

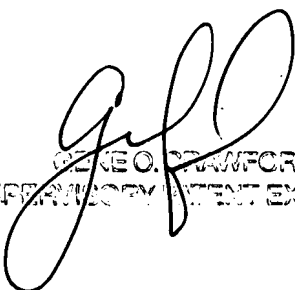
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11/26/2007  
RGP

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER